REMARKS

Claims 54-89 are all the claims pending in the application.

Claims 54-89 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Evain in view of Kirk. Applicant respectfully traverses the rejection.

In the Office Action it is asserted that Evain teaches all the elements of the independent claims except for expressing location information for a fragment as a predetermined code. Kirk is cited for teaching this missing limitation. The Examiner asserts that it would have been obvious for a person of ordinary skill in the art to modify Evain with the encoding scheme of Kirk in which a code is stored in lieu of an explicit location information string. The "key_encoding_indicator" in the table in section 2.3.2 of Evain is cited in the Office Action as teaching the feature of storing either a code or the string itself.

Applicant respectfully points out that it would not have been obvious to a person of ordinary skill in the art to have modified Evain to use the predetermined codes in lieu of string location expressions, because the prior art references are directed to two very different problems.

Kirk is directed to executing queries against very specialized database systems known as enumerated storage systems. See Kirk col. 1, lines 25-30 and col. 2, lines 19-21. According to Kirk these enumerated systems are used in "data warehouse" systems that handle "large pools of historical information representing different portions of a business," that "store very large quantities of information". See Kirk col. 2, lines 6-8 and 25-26.

Evain is not directed to a data warehouse system storing historical business data. Rather, Evain is directed to defining data structures for transmitting metadata indexing information for TV-Anytime (TVA) data. See Evain Sec. 2.1. The present application refers to the Evain reference (see page 2 of the substitute specification), and explains that the TVA metadata, which

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Evain describes, is transmitted in a stream format on a fragment basis as independent units. See

page 3 of the substitute specification. Applicant notes that a person of ordinary skill in the TV-

Anytime art, who is interested in transmitting metadata indexing information, would not look to

data warehousing art, such as Kirk, because the problems are so different. Evain has nothing to

do with warehousing historical business data. Accordingly, a person of ordinary skill would not

look to Kirk's data warehousing solutions to modify the teachings in Evain. Thus, it would not

have been obvious to modify Evain's key index list, shown in the table in section 2.3.2, with the

enumerated storage techniques described for Kirk's data warehousing system.

On pages 2 and 4 of the Office Action it is asserted that Evain already teaches the use of

codes in lieu of strings, by use of the "section_id" and "encoding_type" descriptors. According

to the Examiner, since Evain already uses codes in these descriptors in lieu of strings, it would

have been obvious to modify Evain to use Kirk's enumerated storage techniques presumably for

the "fragement_xpath_ptr" descriptor in the key index list shown in section 2.3.2.

The Examiner also points out that Evain indicates that these "section_id" and

"encoding_type" descriptors can contain either codes or strings. See page 4 of the Office Action.

However, these two descriptor fields do not contain an encoded value that is either "a

predetermined standard code" or a "predetermined location code" that indicates that the index

list structure itself contains "a location of an expression specifying a location" as required by

claim 85, for example. The key_encoding_indicator, for example, has a code (00) that indicates

an offset into a string repository where a string with no special encoding is located. That string

is the key value. Likewise, another code (10) indicates that a string stored in the string

repository is a key value, but it is encoded according to an encoding method defined by the

key_encoding field of the key index list. Both are offsets into the string repository where a string

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expression specifying a key value can be found. Neither is for a predetermined standard code

assigned to a standard fragment type specifying a location of the fragment, as recited in claim 85.

Accordingly, the fact that Evain discloses the "section_id" and "encoding_type" descriptors

would not give a person of ordinary skill in the art a reason to look to Kirk and use enumerated

storage techniques for the fragment_xpath_ptr descriptor in Evain's key index list.

For these reasons, Applicant respectfully submits that a person of ordinary skill in the art

would not have modified the teachings of Evain to use the data warehousing enumerated storage

techniques of Kirk.

In view of the above, reconsideration and allowance of this application are now believed

to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is

kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue

Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any

overpayments to said Deposit Account.

Respectfully submitted,

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